

Remarks

Action 1. "The disclosure is objected to because of the following informalities: it does not contain the applicable headings as listed above:"

Response: As required by 35 USC 112, the disclosure contains a written description and concludes with one or more claims. As required by 35 USC 113, the disclosure includes drawings as needed for understanding the subject matter of the invention.

The suggested arrangement and headings spelled out in 37 CFR 1.77(b) are to be considered a recommended format if the described sections are deemed "applicable" by the inventor.

In light of recent decisions by the CAFC, there is a growing opinion among practitioners that the suggested arrangement is outmoded and, in some cases, detrimental to a clear understanding of the important elements of the invention, particularly if the patent is litigated after issuance.

In this case, the inventor does not consider these sections and their headings to be applicable and respectfully offers that the requirements of the statute have been fulfilled adequately by the original disclosure.

Action 2. Claim 7 is cancelled in the attached amendment.

Action 3. "Claims 4-9 are rejected under 35 USC 110, second paragraph as being indefinite..."

Response: The written description has been amended to clarify that the exemplar "commercially-available saddlebag cargo carrier" is restricted to those carriers having the standardized connection arrangement provided by the

“commercially-available saddlebag bracket” that is defined as the Cruiselineer Saddlebag Mounts Part No. KIT-SB103. This bracket provides mounting connections for mounting various saddlebag cargo carriers having the abovementioned standardized connections.

Similarly, Claim 4 has been amended to clarify that the “commercially-available saddlebag cargo carrier” referred to in the claim is one of the various saddlebag cargo carriers having the cited standardized connections.

Action 4. “Claims 1-9 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,577,646 to White.”

Response: The product of the invention is mounted “at a saddlebag position.” The saddlebag position is discussed in para. 0011-0014. Para. 0011-0013 provide a historical description of the evolution of the saddlebag position from the earliest application of bags hanging across a horse saddle to the later application of bags attached to wheeled cycles.

Para. 0013 describes modern saddlebags being “mounted to the cycle structure so that the saddlebag is positioned alongside of the wheel and substantially below the top of the cycle and proximal the wheel.”

Para. 0014 clearly defines the “saddlebag position, as used here and throughout” as referring to the abovementioned mounting position of modern saddlebags.

The “saddlebag position” as defined by the inventor is clearly illustrated by Fig. 1,3,4 where the product is shown “positioned alongside of the wheel and substantially below the top of the cycle and proximal the wheel.”

The importance of the saddlebag position is discussed in para. 0001: “Mounting the product in the saddlebag position results in a low center of

gravity that is beneficial to the stability of the cycle when the cycle is in use. Furthermore, mounting the product at the saddlebag position enables the cycle to carry a human passenger in a typical passenger position behind the cycle driver."

The '646 patent discloses a pet carrier mounted above the rear wheel and behind the seat of a cycle. This position, known in the art as the "pillion" position, is commonly used for mounting cargo and passengers on cycles. The pillion position does not fit the definition of "saddlebag position" as defined by the inventor. The pillion position does not result in a low center of gravity as compared to the saddlebag position and does the pillion position is not beneficial to the stability of the cycle.

The pet carrier of the '646 patent does not enable the cycle to carry a human passenger behind the cycle driver. The pet carrier of the '646 patent in fact precludes carrying a human passenger behind the cycle driver because the pet carrier itself occupies the position behind the cycle driver.

For the abovementioned reasons, claims 1-9 of the application are not anticipated by the '646 patent.

Action 5. Claims 7-9 are cancelled in the attached amendment.